

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NECTALI VASQUEZ, on behalf of himself and all
other persons similarly situated,

Plaintiff,

v.

7 STROMBOLI LLC d/b/a Gino's of Nesconset,
GUISEPPE LICATA, JR., and MICHAEL LICATA,

Defendants.
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FEUERSTEIN, District Judge:

Plaintiff commenced this action asserting claims pursuant to, *inter alia*, the Fair Labor Standards Act of 1938 ("FLSA"), as amended, 29 U.S.C. § 201 *et seq.* The parties have moved for a referral to mediation and to extend Defendants' time to respond to the complaint. *See* Motion, Docket Entry [9]. The motion is granted. Defendants' time to respond to the complaint is extended to twenty (20) days after the parties docket their report on the outcome of mediation, as required below.

The case is hereby referred to mediation pursuant to Local Civil Rule 83.8 and subject to the following deadlines:

- (1) **No later than April 17, 2020**, parties must serve on each other, but not file, copies of the following:
 - (a) Plaintiff(s): documents in the possession, custody, or control of plaintiff(s) that pertain to the unpaid wages claimed in the complaint;
 - (b) Defendant(s):
 - (i) Time sheets and/or other time records and payroll records in the possession, custody or control of defendant(s) that pertain to work the plaintiff(s) performed during the period for which each plaintiff claims unpaid wages; and
 - (ii) Any written statement of policy, workplace rules, or handbook setting out the policies and practices on compensating workers performing the relevant type of work.
- (2) **No later than April 17, 2020**, the parties must also commence mediation by selecting a mediator. The parties may:
 - (a) use a mediator from the EDNY panel;
 - (b) select a private mediator; or

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U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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FLSA MEDIATION
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(c) seek the assistance of a reputable neutral ADR organization in the selection of a mediator.

- (3) **Mediation shall be completed no later than more June 19, 2020.** Within two (2) weeks of completion, the parties must electronically file a joint status report indicating whether the parties have reached an agreement in principle to settle the case. If settlement has been reached, the parties should include a request for a *reasonable* period of time for the execution of the finalized agreement and submission of a motion to approve the settlement.

The initial conference scheduled for April 2, 2020 is adjourned to **July 16, 2020** at 11:15 a.m. in courtroom 1010 of the Central Islip courthouse. The conference will be adjourned if the parties electronically file a motion to approve the settlement, including a copy of the fully executed settlement agreement and a stipulation of dismissal to be “So Ordered,” at least two (2) days prior to the conference date.

SO ORDERED.

/s/
Sandra J. Feuerstein
United States District Judge

Dated: Central Islip, New York
February 26, 2020